

**JAN 19 2006**

**CATHY A. CATTERSON, CLERK**  
**U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RUBEN LESLIE MOQUINO, aka John L.  
Doe, Jessie Moquino, Little Moco  
Moquino, John L. Osife, Coker Moquino,  
John Albert Moquino, Rat Moquino,  
Ruben Shaul,

Defendant - Appellant.

No. 04-10321

D.C. No. CR-02-01168-DGC

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Arizona  
David G. Campbell, District Judge, Presiding

Submitted January 9, 2006<sup>\*\*</sup>

Before: HUG, O'SCANNLAIN, and SILVERMAN, Circuit Judges.

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Ruben Leslie Moquino appeals from the 87-month sentence imposed following his jury trial conviction for one count of assault with a dangerous weapon with intent to do bodily harm in violation of 18 U.S.C. §§ 1153, 113(a)(3). We have jurisdiction under 28 U.S.C. § 1291.

We remand for further proceedings consistent with *United States v. Ameline*, 409 F.3d 1073, 1084-85 (9th Cir. 2005) (en banc).

**REMANDED.**